

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	
AMERICAN METROCOMM)	Bankruptcy No. 00-3358 (PJW)
CORPORATION, <i>et al.</i> ,)	
)	
Debtors,)	
-----)	-----
THOMAS ABRAMS,)	
)	
Appellant,)	
v.)	Civil Action No. 04-1372 (JJF)
)	
AMC LIQUIDATING TRUST,)	
)	
Appellee.)	

**APPELLEE'S RESPONSE IN OPPOSITION TO APPELLANT'S
MOTION FOR RECONSIDERATION OF FINAL ORDER OF 7/29/2005**

COMES NOW, Charles W. Stewart, CPA, the Trust Administrator of the AMC Liquidating Trust, by and through his counsel, and responds to the Appellant's motion for reconsideration as set forth below:

1. On July 29, 2005 at Docket Numbers 18 and 19, respectively, this Court entered its memorandum opinion and final order granting, *inter alia* the motion to dismiss the appeal filed by the AMC Liquidating Trust.
2. On about August 9, 2005 the Appellant filed a motion styled *Motion for Reconsideration of "Final Order", Short Response to Appellee Reply Brief, and: (1). Motion to Cure Record Due to "Excusable Neglect"; (2). Motion to File Designation of Record Out of Time, (3). Motion Reconsideration of Final Order 7/29/2005.* This document was entered on the Court's docket on August 16, 2005 at Docket #22.

3. Appellant seeks reconsideration of this Court's Order of July 29, 2005 dismissing the Appellant's appeal and denying the Appellant's application to proceed *in forma pauperis*.

4. The Appellant's Motion for Reconsideration is nothing more than his previously filed *Short Response to Appellee Reply Brief* with some rudimentary interlineations made.

5. At no point in his pleading, the substance of which predated the entry of the Court's Order dismissing appeal, does the Appellant address any specific grounds for seeking a rehearing pursuant to Rule 8015(a), Federal Bankruptcy Procedure ("F.R.B.P."), nor does he provide any argument with regard to any analogous reconsideration rules such as Rule 59, Federal Civil Procedure or the applicable rules found in the Federal Rules of Appellate Practice.

6. Specifically this Motion for Reconsideration violates Rule 8011(a), F.R.B.P. in that it fails to stay with particularity the grounds on which it is based.


7. The Motion for Reconsideration is not supported by any affidavits or other appropriate evidence.

8. As evidenced by the email messages from Mr. Abrams to Appellee's Counsel, which are attached to Counsel's Declaration filed contemporaneously herewith, Mr. Abrams is committed to a policy of arbitrary, vexatious, obdurate and protracted litigation and appeal without bothering himself with the underlying legal merits of his position. This motion is but one arrow in that quiver.

WHEREFORE the Appellee, the Trust Administrator of the AMC Liquidating Trust, respectfully prays this Honorable Court to deny the Motion of Reconsideration and for such other relief at law and in equity as this Court may deem to be proper.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Dated: 19 August 05



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